

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PHAROAH V. MORRIS,

Plaintiff,

v.

Case No. 05-C-458

LETITIA LEY, et al.,

Defendants.

ORDER

Plaintiff Pharoah Morris has filed a motion requesting a complete copy of this court's Decision and Order of December 5, 2006, partially granting and partially denying the defendant's Motion for Summary Judgment. Morris also moves for reconsideration of his earlier motions for appointment of counsel. Finally, he seeks advice on the procedural status of the case.

Morris' first request has already been granted. The clerk mailed a complete copy of the court's Decision and Order [148] to Morris on December 13, 2006. Apparently, only a partial copy was mailed to Morris initially, but that problem has now been corrected.

With respect to Morris' request for advice concerning the status of the case, the court notes only that its order of December 5, 2006, is a non-final order because it does not dispose of all of the claims. As such, it is not immediately appealable, absent a finding by the court that there is no just reason for delay and a direction to the clerk to enter final judgment on the claims that have been dismissed. *See* Fed. R. Civ. P. 54(b). The court has not, and does not intend to, make such a finding and direct the clerk to enter final judgment at this time.

As to Morris' request for appointment of counsel, the court will further consider the request at the time of the Rule 16 conference that the clerk has set in the matter. The court intends to decide at that time whether the matter should now be set for trial. Morris will be allowed to appear at that proceeding by telephone, and he can renew his request at that time.

Finally, the court also acknowledges the correspondence received from counsel for the defendants pointing out that she had in fact substituted a signed affidavit for the unsigned affidavit initially submitted on behalf of defendant Knapp. (Docket # 150.) Thus, that portion of the court's December 5, 2006 decision and order stating that the unsigned affidavit would be disregarded is in error and should be stricken. The error does not affect the outcome of the decision, however, and so no further action is needed at this time.

SO ORDERED this 14th day of December, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge